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NOMINATION OF MICHAEL R. DELAND

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE NOMINATION OF MICHAEL R. DELAND TO BE CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY

JULY 25, 1989

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NOMINATION OF MICHAEL R. DELAND

TUESDAY, JULY 25, 1989

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:33 p.m., in room 406, Dirksen Senate Office Building, Hon. Quentin N. Burdick (chairman of the committee) presiding.

Present: Senators Burdick, Chafee, Lautenberg, Lieberman, Symms, Reid, and Graham.

Senator BURDICK. The committee will come to order.

Senator Kerry, would you introduce the witness?

STATEMENT OF HON. ROBERT J. KERRY, U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KERRY. Thank you very much, Mr. Chairman.

I am delighted to be able to present to the committee—I know the committee knows of him very well—Michael Deland. I believe that Mike, Mr. Chairman, is, number one, precisely the kind of person we would like to have in public service at any time; but number two, importantly enough, in this particular role he is simply eminently qualified to serve as an advisor to the President, as Chairman of the Council on Environmental Quality.

If the example of Everett Koop serves as anything, I think the legacy will not be just the contribution he made to a dialogue on important subjects before the country, but a style of what an advisor can accomplish. I must tell you that I am confident in Michael Deland's capacity to be able to become an important presence within this Administration and nationally on matters of environmental concern. He has really dedicated a lifetime to the effort in the private sector. He has been a member of the EPA in the Enforcement Division. He has been our leader in the New England Region of the EPA during a difficult period of time. Even while resources were being cut back, Mike Deland showed how to get the maximum out of a limited pot. At a time when enforcement retrenched to a degree, he was creative and forceful. I might say that he sometimes bucked trends. There was an instance in Massachusetts where he stood up and said no to a new development because it would have imposed on the wetlands.

There was foot-dragging, both by the State as well as the EPA, with respect to Boston Harbor, now the best-known harbor in the Nation. Mike Deland set that as a priority, showed how to move through the bureaucracy and the process, and that harbor is now

on its way to being cleaned up, largely due to his concern and commitment to it.

So, Mr. Chairman, I believe that in this nominee we are privileged to have somebody who is going to do what we need to have done, which is to provide neutral, substantive, intelligent, sensitive, nonpartisan advice on the massive numbers of environmental concerns that we face in this Nation and in the world today. I am very honored to introduce him to you. I think he is going to be a terrific leader, as he has been in the past, and I think he will provide a very important linkage between the scientific and environmental communities and this Administration, which has indeed said it wants to be a leader on environmental issues.

I am pleased to present him to you.

OPENING STATEMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. Thank you Senator Kerry.

The Committee on Environment and Public Works meets today to consider the nomination of Michael R. Deland to be Chairman of the Council on Environmental Quality.

The Council managed to survive the 1980s against all odds. On occasion, the Council even proved to be a force to be reckoned with despite bare-bones funding and staffing. The nomination of Michael Deland seems to signify the President's intent that the Council be reinvigorated.

This would be a welcome development, considering the broad mandate of the National Environmental Policy Act and the growing concern over global environment problems. In my view the Council has a unique and very important function. NEPA requires the Council to develop and recommend policies to the President to foster and promote the improvement of environmental quality. It also requires the Council to act as the Government's environmental overseer.

The Council's mandate is quite distinct, even from that given to EPA and other regulatory agencies. It has been said that NEPA serves as the Government's environmental conscience. I counsel Mr. Deland to take this mandate seriously.

My friend from the New England States is now recognized.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Thank you, Mr. Chairman. I know Senator Kerry is very busy; if he has other appointments and he wants to leave, that would be fine as far as I am concerned, he doesn't have to listen to my pearls of wisdom.

Senator KERRY. I always enjoy listening to your pearls of wisdom, Senator.

I do have to run, but I just wanted to add one thing, if I could. That is that Mike and I, through our fathers, have had a kind of connection through sailing. He is an inveterate sailor who has an enormous love for the ocean. As Vice Chairman of the National Ocean Policy Study Committee, I have a great interest in joining

with him for our coastal protection in a number of the pollution issues which we face.

Thank you very much, Mr. Chairman. I appreciate it.

Senator CHAFEE. We certainly want to thank Senator Kerry for coming in.

Mr. Chairman, I also want to join in introducing Mike Deland to you and to the committee. I strongly support his nomination to be Chairman of the President's Council on Environmental Quality. I have known him for a number of years. He has an excellent educational background. I am sure you would agree that anybody who went to Harvard—they say that you can always tell a Harvard man, but you can't tell him much.

He went to Boston College Law School. He began his environmental career in the Enforcement Branch of Region I which is based in Boston and covers the New England area. After five years he moved on to Environmental Research and Technology, Inc. as a consultant, where he provided legal advice to senior management. Since 1983, for the past five years, he has been Administrator of Region I which, of course, has a lot to do with my State and the other New England States.

He has been a forceful advocate for the environment in that position. He has breathed new life into the Regional Office and has quickly earned a national reputation as being a tough enforcer but a fair enforcer of our Nation's environmental laws.

He is a strong supporter of the Clean Water Act, Mr. Chairman. He is a fighter for wetlands and he has made some tough decisions in that area. I suppose the Attleboro moral decision he made was probably one of the more difficult ones that he had, and he was supported by his higher-ups in that one. He has been involved with the cleanup of hazardous wastes and, as I say, has earned the respect not only of this Senator but of all the Senators in the New England region.

I think it's fair to say, as you mentioned, Mr. Chairman, in your opening statement, that CEQ has been a little dormant in the past several years, with not much clout and influence in the White House. Its staff and budget have both been drastically cut. Indeed, I believe President Reagan—or maybe it was OMB—proposed that the CEQ be abolished. Nonetheless it is alive, barely, and I am confident that with Mike Deland there it is going to signal a complete turnabout from the views of the last Administration. Indeed, his mere nomination by the President clearly indicates how the President feels about this situation.

I believe that President Bush is going to consult frequently with Mike Deland in his position as the head of CEQ if confirmed by the Senate, just as the President has turned to Mr. Reilly from EPA. As we all know, Mr. Reilly went with the President to the Industrial Summit in Paris, and the President is relying on Mr. Reilly. He will rely equally on Mr. Deland.

So I think it is splendid that, one, the President has nominated him, signalling this turnabout; and two, that he took the job to come down from Boston with his family. For anybody to do that in these days I think represents a considerable financial sacrifice. Certainly, it represents turmoil in anybody's family to come down here.

So we are glad you are here, Mr. Deland.

I want to enthusiastically present him to you, Mr. Chairman, and other members of the committee.

Senator BURDICK. We have another gentleman from the eastern part of the country who just arrived, do you care to add anything?

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. Thank you, Mr. Chairman. We from the east who fight hard for the environment, along with our friends from the west, are pleased to see Mr. Deland here in this role that he will be taking.

You know that I and other members of this committee support strong efforts to preserve and protect our environmental values. As Chairman on the Council on Environmental Quality, we are going to be expecting you to carry on that mission.

You come at a critical time for the Council. It has been moribund, to say the least, over these last eight years, with the budget cuts and staff cuts. It looks like it has no place to go but up, and we are pleased that you are there to encourage that direction. The President in the past failed to rely on the Council in any meaningful way, so you come at a critical time.

Also, for the environment—while we have dealt with some of our problems, others present menacing threats to our health, to our environmental values and, frankly, even to our existence. We need a Chairman of the Council who has access, who has contact, and we need a Chairman who is going to be an advocate for those things that he believes the Government ought to be doing in terms of environmental policy.

We have faith that you are going to be doing just that. You bring a wealth of environmental experience, a wonderful record on the environment, and I am confident that you have all the qualities to do the job, Mr. Deland.

Let me assure you that I won't hold against you the decision that you helped make about getting rid of Boston's sewage sludge by dumping it off the coast of New Jersey.

Your job is to get rid of it, and my job is to not accept it. We have arrived at a compromise; it stays up there where it is.

But as chairman of the subcommittee with jurisdiction over NEPA, I look forward to working closely with you on a wide range of issues. I look forward to the chance to ask a few questions and to work with you in the future. Welcome.

Senator BURDICK. The time has come, Mr. Deland, for you to speak on behalf of yourself. You are recognized.

STATEMENT OF MICHAEL R. DELAND, CHAIRMAN-DESIGNATE, COUNCIL ON ENVIRONMENTAL QUALITY

Mr. DELAND. Thank you, Mr. Chairman, and Senators Chafee and Lautenberg.

Senator Chafee, I appreciate your all too glowing introduction, just as I did that of a fellow sailor and my Massachusetts Senator, Senator Kerry.

Senator Chafee, I do appreciate your very generous introduction. I have, as a Harvard man, learned a great deal from you, attending the institution that you did; you have been an environmental mentor for me over the years, going back six years, and I can think of many instances, the most recent of which was our early morning foray through the wilds of Rhode Island, both ashore and afloat, in tracking down the most recent oil spill.

I would hope that, if confirmed by the Senate, I would have an opportunity to learn a little bit more from yet another Yale man, but I do value the opportunity that I have had to build a working relationship with the committee members from New England—Senator Stafford, Senator Mitchell, and numerous others—and I would hope, if confirmed, to build that kind of cooperative relationship with the balance of the committee.

If you will indulge me, I have a very short statement from which I will excerpt for the record.

In the meetings I have had with President Bush since his inauguration, his deep-seated visceral concern for our environment was clearly apparent. Just as Theodore Roosevelt is remembered as our first conservationist President, President Bush wants to be remembered as our Nation's first environmentalist President. I am honored, indeed, that he is seeking my counsel to help him earn that appellation.

Virtually all my professional career, with the exception of my service in the U.S. Navy, has been devoted to the environment. I feel well-equipped to confront the challenge of bringing to fruition the President's commitment to revitalize the Council on Environmental Quality and to serve as his environmental advisor within the White House.

Both in my days as a staff attorney for the then newly-created EPA and in my current role as Regional Administrator of that agency, I have enforced the Nation's environmental laws as fairly as I have firmly. Whether suing to establish a court-ordered schedule for the long-overdue cleanup of Boston Harbor, holding firm to protect a blue collar working wetland, Sweedens Swamp in Attleboro, Massachusetts, or negotiating the largest multi-party cleanup under Superfund, tough stands predicated on common sense have been taken.

I have also sought to reach beyond EPA's traditional regulatory role to develop new initiatives to protect our environment. Aquifer management plans to protect groundwater supplies, advanced identification of particularly precious wetlands, building upon the national estuarine program to protect our coastal waters, and new initiatives to prevent pollution at the source are but some of Region I's programs which have become the national norm.

When I returned to EPA in 1983 with Bill Ruckelshaus to help him revitalize a then-demoralized agency, I found morale indeed at rock bottom. Yet I also found an agency peopled with dedicated public servants who sought to do their very best to protect the environment under then-untenable conditions. One of my proudest accomplishments is helping those public servants to stand tall once again and, by so doing, regain the trust and respect of both the business and environmental communities. This experience would

be invaluable in seeking to restore respect, credibility, and spark to once-venerable and vital CEQ.

Perhaps an even more pertinent experience than my six years as Regional Administrator was the previous six years as counsel to what was then the Nation's largest environmental consulting firm, Environmental Research and Technology. There I represented a wide range of business and trade association interests on a variety of large projects, including a cross-country oil pipeline. I saw firsthand the frustration in dealing with the enforcement and permitting arms of EPA and other Government entities, and learned the arts of conciliation and compromise.

An earlier experience which I still treasure, and hence can't avoid mentioning, was my first Federal job as a GS-3, earning $1.81 an hour—that clearly dates me as working well before the last Federal pay raise—earning $1.81 an hour as a member of a timber stand management crew in California for the U.S. Forest Service, and later fighting fires in western forests. It was those days and nights in the west that expanded and solidified my lifelong love for the land, and it was there, on the front lines, that I learned firsthand the basic principles of environmental protection and management.

The need for full and accurate information; operating in the open; working as a team towards the best possible environmental result; listening; following common sense—those are the principles that underlie the Nation's premier environmental statute, the National Environmental Policy Act, and those are the principles to which CEQ must adhere and must help the rest of the Federal family follow. CEQ must do so not by fiat, not by dictate, but by persuasion, education, and example.

The Nation is now celebrating the 20th anniversary of mankind's breaking the bonds of gravity and peering back at our planet, both fragile and resilient, from a lunar vantage point. We are also planning the celebration of the 20th anniversary of the National Environmental Policy Act, that statutory vantage point that allows us to step back and take a look at the larger picture. Twenty years ago, the notion of taking the small step of considering environmental results of Government's actions was a giant leap forward for environmental protection. The result has been a world of difference both in terms of environmental damage avoided and better projects built. CEQ in the Bush Administration will continue this important mission both here at home and, increasingly, abroad.

The President is personally interested in CEQ as an institution. My charge is to take the best of the old CEQ while at the same time reshaping it to meet better the needs of this White House and to meet better the demands of emerging environmental priorities. In rebuilding the Council we must focus on how it can best meet its important statutory mandate.

Among its roles are to advise the President and to develop and recommend national environmental policies; to serve as an Executive Branch coordinator and mediator; and to identify and monitor environmental trends and ensure the scientific integrity of their study and analysis.

CEQ is not EPA. CEQ is part of the White House. CEQ's strength is not in numbers; it never has been and it never will be. Its influ-

ence comes from the President and it comes from the broad perspective it has of all Federal departments and agencies. The President has assured me I will continue to enjoy as much access to him as is necessary, and that I will be given the staff and resources to fulfill CEQ's important mission.

These are indeed exciting times for those of us who have dedicated our lives to the environment. Never before has the issue captured the imagination of so many. Eight full pages of environmental commitments and understandings by the largest industrialized nations of the world are found in the communique from the recent economic summit in Paris. Concurrently, opportunities for cooperation with eastern bloc and developing countries in the environmental arena seem to be emerging daily.

I look forward, with your consent, to helping the President seize the day. The opportunity to seize the initiative and to prompt America to do her part, both at home and abroad, in piloting Spaceship Earth toward an environmentally and economically sustainable future is ours. This is a chance we must tenaciously grasp. At stake here at home and around the globe is not just quality of life, but ultimately, life itself.

Thank you. Mr. Chairman, I would now be happy to respond to any questions that you and the committee members might have.

Senator BURDICK. Thank you.

Senator Lieberman.

OPENING STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator LIEBERMAN. Thank you, Mr. Chairman, for your courtesy, and the members of the committee as well. As you know, I'm sitting on the Hastings impeachment trial committee, but I did want to come up here just for a moment. I will not impose upon the committee's time to ask questions out of order.

I just really wanted to welcome Mike Deland, whom I have gotten to know very well over the last six years during which time he was the Administrator of Region 1 of EPA and I was the Attorney General of Connecticut. I can tell you that based on that experience, I think that this is a superb appointment.

Mike Deland is an environmentalist. He is a conservationist. He believes in the enforcement of environmental laws, which he demonstrated during his time in Region I. I was aware of occasions when he was fighting within EPA, Mr. Chairman, for more aggressive and more creative responses to environmental problems.

In addition, he has the capacity to be a very knowledgeable mediator, which I think is going to be part of his work at CEQ. In fact, when I first met Mike it was, in a sense, in battle. I gather Senator Kerry may have been here earlier; we could have redone this contest. But the city of Springfield, Massachusetts, Mr. Chairman, was intending to dump raw sewage into the Connecticut River and to have it roll down on us. Needless to say we in Connecticut took umbrage at that and we were about to enter into combat. Michael came in and mediated the dispute and ended up protecting the Connecticut River and having everyone leave the battlefield relatively content with what had happened.

I think that—let me put it more positively—I am confident that under his stewardship, CEQ will in fact be revived and will have one of the more productive periods in its history.

I appreciate this opportunity to put those personal thoughts on the record, to welcome him, and to tell him that I look forward to working with him as both of us enjoy these new capacities.

Thank you, Mr. Chairman, and thank you, members of the committee.

Senator BURDICK. The Senator from Idaho.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Mr. Chairman, I will be very brief. I would ask unanimous consent that my statement be put in the record and I will speak to it perhaps as a predecessor to a question that I would like to ask.

There has been a court ruling, if I have it straight, that the National Environmental Policy Act does not require Federal agencies to evaluate worst cases when looking at impacts that could be caused by a major Federal action. It does not prohibit such worst case analysis, either, so the court has left that decision—on whether worst case analysis could be evaluated—up to the Council on Environmental Quality. When you get a chance I would just like for you to comment on that, because in my State the worst case analysis as part of the environmental impact assessment on these Government-owned lands, of which two out of three acres in my State are owned by the Government, we have had serious problems with having our noxious weed programs shut down and other things. The noxious weeds grow on the Government land and then get in the water supply, run down and end up getting on the farmland, and it is a general environmental as well as economic hazard to people.

I just hope that you might address that. It appears that the court is throwing more of that back to the hands of the CEQ, so I think that the job you are taking is of critical importance. I'm glad you did have the experience of working in the west because there is a real concern in the west that EPA and CEQ and the general thrust of the Administration is getting too tilted toward New England. We want to be sure that everybody realizes that the west is part of this country, too.

So thank you. I'm glad to be here to welcome Mr. Deland and his people here today.

[Senator Symms' statement follows:]

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Mr. Chairman, the position of Chairman of the President's Council on Environmental Quality has been seen by many on this Committee as a position of relative weakness—deserving of little attention.

That may have been true in the past. However, two recent Supreme Court decisions dramatically change the power of that position. According to the court, the National Environmental Policy Act does not require Federal agencies to evaluate the "worst cases" when looking at impacts that could proceed from a major Federal action. Nor, however, does it prohibit such "worst case analysis." The Court left the decision on whether worst cases would be evaluated up to the Council on Environ-

mental Quality—the very agency for which Mr. Deland has been nominated to chair.

Requiring worst case analysis as part of the environmental impact assessment process would be devastating—especially to those of us who live in the West, in States like Idaho where two out of three acres belong to the Federal Government. On Federal lands, you can't blow your nose without filing an environmental assessment.

Just during the brief period of time in the mid-1980's when the courts were imposing worst case analysis on Federal land management agencies, the impact was severe. Noxious weed control programs were shut down all across the State. The damage to farmers was enormous—something we're still paying for today.

With that kind of power in the hands of CEQ, I certainly hope Mr. Deland has the skill to use it wisely—to use it in a way that carefully balances the need to protect the environment with the need to maintain the quality of life and livelihoods of the people who live and work in places like Idaho.

Senator BURDICK. Senator Graham.

OPENING STATEMENT OF HON. BOB GRAHAM, U.S. SENATOR FROM THE STATE OF FLORIDA

Senator GRAHAM. Thank you, Mr. Chairman. I have not had the opportunity to know Mr. Deland, but he comes very highly recommended.

I believe that the Council on Environmental Quality plays a potentially critical role within the Federal environmental community by being able to coordinate and give some sense of common purpose to a diversity of individual actors. Without that coordination we could have a panoply of sounds that did not make the beautiful music that we would hope for.

Mr. Deland, I am particularly interested in what I understand is your interest in the Everglades, a very threatened, complex environmental system. When we reach the questioning period I would like to pursue some of your ideas as to what role you believe the CEQ might play in saving that treasured but endangered resource.

Senator BURDICK. Senator Reid.

Senator REID. Mr. Chairman, I have no statement. I have some questions for the nominee.

Senator BURDICK. Mr. Deland, do you own any properties or hold any positions which would put you in a conflict of interest position if you are confirmed for this position?

Mr. DELAND. No, sir, I do not.

Senator BURDICK. Are you willing to appear in front of any committee of the House or the Senate of the United States Congress if you are asked to do so?

Mr. DELAND. Yes, I am.

Senator BURDICK. In agreeing to accept this nomination, exactly what assurances did you receive from the President that the Council would be strengthened to have a larger policy role than it played in the last Administration?

Mr. DELAND. I had several conversations with the President about the CEQ and his firm belief that it needed to be resuscitated, a belief I obviously share. We talked about the need to increase resources, the need for there to be access between the President personally and the Chairman of the CEQ if it indeed was to be a meaningful player in the environmental realm.

So I am confident that he feels strongly about a revitalized CEQ, and I am honored that he has seen fit to charge me with that task.

Senator BURDICK. I recently wrote to the Senate Appropriations Subcommittee that is responsible for CEQ funding and recommended that $1 million be provided for the Council in 1990. Will that help you start rebuilding, or will you need more?

Mr. DELAND. That will be a significant first step, and I certainly appreciate that, Mr. Chairman. We obviously would welcome any more monies that we might be able to pry from OMB's petty cash coffers.

Senator BURDICK. Well, we will try to get some more petty cash. Thank you.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman.

Mr. Deland, this committee has been working for some time on two distinct but related environmental problems. One is the climate change due to the greenhouse effect, and the other is the effect of CFCs in the destruction of the ozone layer.

Nearly three years ago several colleagues of mine on the committee and I wrote to the Chairman of the CEQ and expressed our thought that under NEPA, all Federal agencies had to pay attention to these issues as part of the environmental impact statement process. The problem with this is that the law requires consideration of those issues but few, if any, of the Federal agencies are complying with the law. It is CEQ's job to see that that's done; that's one of your principal duties.

So we asked the Chairman to issue a directive advising all the Federal agencies of their responsibility to consider the greenhouse effect and the ozone layer destruction problems as part of the environmental impact statement.

We had an exchange of several letters with the former Chairman and with the President himself on this matter. At that time Alan Hill was Chairman of the CEQ. I will give you this packet as a little souvenir, just to show you the rhetoric that has been exchanged back and forth.

To date, CEQ hasn't issued any sort of guidance or directive. Defense is involved with CFCs, for example; so are other agencies.

Do you have any thoughts on this matter? And tell us what you would do to correct the problem.

Mr. DELAND. I do, Senator Chafee. I believe that in the waning moments of his tenure Chairman Hill did circulate guidelines for interagency review which would address the matters you have outlined. The comment period for those guidelines closes at the end of July, and it would be my feeling to—obviously, to weigh the comments very carefully, but then, assuming there was no insurmountable impediment, to adopt them. I think that knowing what we now know about the impact of the global problems across the world, that step that you have outlined needs to be taken.

Senator CHAFEE. We will be paying attention to what you do on this, because you are the person—your agency officers—are the people who are meant to do something about this. So we will be back, asking you further about this.

This Administration seems to have quite a few task forces and councils. My question to you is, where does the CEQ fit into all of this? For example, you are Chairman of the CEQ; are you going to be part of the Domestic Policy Council? It seems that anything

we're interested in always seems to go before this Domestic Policy Council. To start with, I'm not even sure what it is.

Mr. DELAND. The President beat me to the gun on that one. I was prepared to ask him if I could sit in on the meetings of the Domestic Policy Council and he, of his own initiative, said that he felt it was essential that I do so. So I will be an active participant in those meetings.

Senator CHAFEE. Why don't you tell us what the Domestic Policy Council is?

Mr. DELAND. I think maybe you could tell me more about it than I could tell you.

Senator CHAFEE. Well, I'm not exactly sure who is on it, but it seems to be a stumbling block. It's a very important place because it is always referred to in awesome terms.

Mr. DELAND. Well, I am embarrassed that I cannot enumerate all the members. Whatever it is, I will be a part of it. It is headed, as you know, by Roger Porter; it is chaired by the Attorney General; and by Executive Order it does, as you would expect, have responsibility for domestic policy matters and meets on a regular basis. I will look forward to illuminating you a bit further after several of those meetings.

Senator CHAFEE. Well, perhaps we can count you as a fifth column in there for us.

You can come back and tell us what goes on.

Thank you, Mr. Chairman. My time is up.

Senator BURDICK. Senator Lautenberg.

Senator LAUTENBERG. Thank you, Mr. Chairman.

Mr. Deland, I heard you say that you were offered access to this amorphous Domestic Policy Council—and that you've been more or less offered a hand in terms of the opportunity to do things.

Has there been a budgetary suggestion? We heard from the Chairman of this committee that he had asked and gotten encouragement from the Appropriations Committee to fund your operation with a million dollars. Has anyone in the White House or OMB or otherwise said, "Okay, we want you to do this job. In order to show our good faith we're going to give you a budget of so much, and we're going to recommend that you have so many full-time employees or full-time equivalents, and get on with it"?

Mr. DELAND. I have had some preliminary discussions on those matters with Governor Sununu. The number that we arrived at as to FTEs was 40, built up over a three-year period. As you may know, the number has diminished from a high in the 60s and 70s down to a skeleton crew of 13 now, so we are on the upswing to 40 people over a three-year period. The resources to support those people will be made available.

I am due to meet later this week with the Governor and with representatives from OMB to iron out some of the specifics of those details.

Senator LAUTENBERG. What do they propose for the first fiscal year that you will be operating, fiscal year 1990? Has Mr. Sununu given you a number there?

Mr. DELAND. There has not been a specific proposal. It is precisely that that we are hoping to iron out in the coming days.

Senator LAUTENBERG. We know that President Bush has said many times that he plans to be the environmental President, but there is a degree of concern because, based on a couple of environmental opportunities, whether it's in the summit conversations, or the Clean Air Act that was proposed which seems to be different than some of us remembered as being originally forecast. So there is some cynicism, if not skepticism, and I hope that you are going to persist and get your staff in order.

Have you talked with Bill Reilly, with whom I know you have an old relationship, about what goes on between CEQ and EPA in terms of their functioning together?

Mr. DELAND. I have. I have had several conversations, which I would again characterize as preliminary, with Bill. We plan to sit down and go into those issues in far more depth shortly. But he has given me his assurance that he will be supporting, from his position at EPA, the efforts of CEQ. I am optimistic that we can work carefully and closely together.

Senator LAUTENBERG. You will be looking to them for input in terms of your policy recommendations to the President?

Mr. DELAND. I would be looking to all of the Federal agencies for input. The role of CEQ as I envision it is to be the mediator, the conciliator amongst the Federal agencies. So just as I would look to EPA, I would also turn to the Department of Energy, Interior, Agriculture, depending on the issue of the moment.

Senator LAUTENBERG. Not to pick at words, Mr. Deland, but rather than "mediator" or "conciliator" I would have envisioned your role as perhaps the primary person for the development of sound environmental policy and not necessarily as a mediator or conciliator or arbitrator, but rather one asking that the country take a particular view or perspective or policy in terms of pursuing a cleaner environment. Am I wrong in that?

Mr. DELAND. No, I don't think you're wrong, and I certainly will not be bashful about outlining my views. I am, however, the rookie here in town. There are numbers of other people with more experience, and I need to learn to work with them. I am optimistic that I can indeed do that.

Senator LAUTENBERG. Not too many have your excellent background, I must say, Mr. Deland, and we want you to use it. That rookie status should not inhibit you in any way.

Mr. Chairman, I have one last short question, if I might.

Does it make sense in your judgment to have three Council members? If not, how would you think we could restructure the Council to be more effective?

Mr. DELAND. I would subscribe to the recommendations of the Blueprint for the Environment which, as you know, recommended that the other two Council positions not be filled, and in time be abolished. The prime rationale for that was that in an era of budget constraints, those high-paying positions could be better used to get some people in the trenches to actually do the work. I certainly subscribe to that position, as does the Administration. I have discussed it with Governor Sununu and he is supportive of that approach.

Senator LAUTENBERG. Mr. Chairman, if my colleagues would indulge me, I can't sit for a second go-around. Can I have just a minute more to ask Mr. Deland one other thing?

Senator BURDICK. You may have one more minute.

Senator LAUTENBERG. Thank you, sir.

The Senate Energy Committee's ANWR legislation—you are familiar with ANWR, the Alaska National Wildlife Refuge?

Mr. DELAND. Yes, sir.

Senator LAUTENBERG. We made a legislative finding that the Department of Interior's impact statement on drilling in ANWR is adequate. This has the effect of precluding lawsuits over the adequacy of that EIS. What do you think about Congress making determinations about the adequacy of environmental impact statements?

Mr. DELAND. My personal feeling is that that's not an appropriate role for Congress. I think that those questions ought to be ironed out, as they have been successfully over the years, through the administrative end and through the courts.

Senator LAUTENBERG. Thank you very much.

I congratulate the Administration for an outstanding selection, someone professionally skilled and committed to the environment as you are, Mr. Deland. We wish you luck and we think that you will have a speedy confirmation.

Thank you very much, Mr. Chairman.

Senator BURDICK. Senator Reid.

Senator REID. Thank you, Mr. Chairman.

In Nevada we have a very serious problem. The military has taken most of our airspace; approximately 40 percent of it is restricted in one way or another by the military.

One issue that has caused me concern and which has caused frustration for the past Chairman of CEQ has to do with FAA's ongoing recalcitrance in assuming responsibility for assuring NEPA compliance in granting special use airspace designations. As I indicated, this is particularly important to Nevada, where a tremendous amount of our airspace is locked up.

In your view, does the FAA have a responsibility for independently verifying NEPA compliance before granting special use airspace designations?

Mr. DELAND. I know that that has been an issue of frustration to the previous Chairman and staff of CEQ. That is something that I will personally look at if I am indeed confirmed.

Senator REID. To show you how this works, one of the recommendations made when the Council reviewed the Marine Corps proposal to conduct low-level flyovers over the Cape Lookout National Seashore was that the FAA prepare a cumulative impact assessment. To my knowledge, they have simply ignored that. They haven't done it.

Do you have any views on this?

Mr. DELAND. I am not familiar with the specifics of that case. I will certainly get educated and get back to you with a response, if I may.

Senator REID. I have a number of other questions, all along this same line, dealing with airspace use. So I would appreciate it if you and/or your staff would get back to me after you are confirmed so

that we can talk about this, because it is a serious problem—not only in Nevada but in North Carolina and in many other places, where the military just simply locks in huge amounts of airspace, which has a significant impact on the people in that area.

Mr. Chairman, I have had the opportunity to visit with Mr. Deland. I think that he is a good nominee. I think that he gives us the opportunity to have someone to work with to accomplish some of the things that this committee is obligated to do and will do. Thank you.

Senator BURDICK. Senator Symms.

Senator SYMMS. Thank you very much, Mr. Chairman.

Mr. Deland, what is your viewpoint on whether or not the taxpayers of this country should be contributing money to international banks, and then having them lend the money for projects in foreign countries, without an environmental assessment being given much consideration?

Mr. DELAND. I have not studied the details of your legislation to the degree that I obviously will if confirmed. But my general thought is that given the interrelationship that we now know there to be on a global basis, that all of our actions, whether by banks or any other institutions, need to be very carefully scrutinized.

I also think that we in this country, as industrial leaders, have a responsibility to show the way to the rest of the world. I must say that in many issues, we come with less than clean hands.

So in a general sense, without knowing the details, I would be supportive of what I understand you are suggesting.

Senator SYMMS. Well, good. That's a good answer in view of the fact that every member of this committee sponsors that legislation.

But I would hope on this Domestic Policy Council—I don't know whether it would come up under the heading of "domestic" or "foreign," but I can assure you that your voice will be needed on that subject when you start dealing with the people from Treasury, because they have a slightly different view of this than what we have expressed in this committee.

I want to get back to the point that I mentioned to you in my very brief opening remarks about the worst case analysis on environmental impact statements and what that means in States like mine. In the case of noxious weed control, for example, the Circuit Court did rule a worst case environmental assessment and we were banned from spraying noxious weeds—on Forest Service land in this case—it created a tremendous environmental hazard to downstream water users, spreading these noxious weeds further.

I wonder if you would want to comment and enlighten all of us to your view of the worst case assessment. I think we visited on this in your office, but I wanted to give you a chance to set the record straight. You were credited once last year with favoring worst case analysis and I thought you might want to comment on it here.

Mr. DELAND. First, I don't believe I was accurately credited as favoring that. I did discuss that with a member of your staff.

But on to the more important issue. The worst case question has been debated extensively following the Supreme Court actions, and CEQ as a result thereof did rewrite the regulations to eliminate the worst case provision. If confirmed, I would have absolutely no in-

tention of revisiting that issue. I think the regulations as now drafted are adequate and appropriate, and I don't think that that issue needs to be reopened yet again.

Senator SYMMS. So in other words, you wouldn't favor forcing the case to have worst case analysis made? Is that what you're saying?

Mr. DELAND. That's what I'm saying.

Senator SYMMS. Okay. Thank you very much.

Thank you very much, Mr. Chairman.

I favor what you said in answer to the question of the Senator from New Jersey about simplifying and streamlining CEQ, but I was just wondering how my colleague from Rhode Island would feel if I were the nominee, rather than Mr. Deland, to handle CEQ.

Senator CHAFEE. Well, that's a challenging question. Perhaps I should tell everyone here that one of the keys to my reelection was that Senator Symms loudly announced to all environmentalists that if I should be defeated, that he would be the ranking member or the Chairman of this committee, thus striking the fear of God into their hearts.

So I am so indebted to him for that backhanded compliment that anything he wants is fine. If he wants to be a member of CEQ—indeed, the only member—that would put your nomination into real jeopardy.

Senator SYMMS. I'm not running for the job. Thanks anyway.

Senator CHAFEE. Mr. Chairman, I have to go. Could I just ask you this, if I could interrupt for one minute? As I understand it, your plan is to get us all together Thursday at 11:00 for this and for the other nominations that we have considered. So thank you. I regret that I have to go, and I will try to get out our troops for that.

We are delighted that you are here.

Mr. DELAND. Thank you, Senator.

Senator BURDICK. Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman.

Mr. Deland, in the context of the Everglades I would like to pursue what I think will be one of your major challenges, and that is how to bring specific Federal agencies, with their own agendas, to most effectively bear upon common environmental issues.

Without giving the whole history of the Federal involvement in that ecosystem, there has been a history of diversion of Federal agencies, the lack of a sustained and coherent direction. How would you see the CEQ as playing a coordinating role for Federal environmental policy in the Executive department?

Mr. DELAND. Well, I think it clearly has to be done on a case-by-case basis. I am embarrassed to say that I am not anywhere near as knowledgeable as I should be about the situation in the Everglades. It is something that I will learn, and learn in a hurry.

That said, as you know, I have taken some strong stands to protect wetlands. I would envision continuing to do that, given what we now know about those bodies and their critical import to our groundwater infrastructure. It is my feeling that when pushed—and in many cases, both private entities as well as the Government need to be pushed—that there are indeed reasonable alternatives to the taking of these lands. The case that received some notoriety in Massachusetts is a case in point. In that instance we preserved

some 30 acres, not of Everglades-quality land but 30 acres of working wetlands, at a time when the developer who proposed to build a shopping mall was asserting in three U.S. District Courts, a U.S. Court of Appeals, and ultimately by bringing certiorari to the Supreme Court, that the site that I felt was a reasonable and feasible alternative was not.

At the same time that particular developer was making that argument in court, he signed an agreement to co-develop the precise site that I had said was a reasonable alternative. What that says to me is that when pushed, there are options. And when you get to areas of obvious value, such as the Everglades, I think that pushing needs to be done and done to the ultimate in pushing, whether it involves Federal agencies or private developers. So on that particular case I would work strenuously within the Federal hierarchy to see that all alternatives had indeed been very carefully evaluated.

Senator GRAHAM. You indicated that you will be participating in the activities of the Domestic Policy Council. Do you have any understandings as to what your role will be in the development and implementation of the Federal budget in conjunction with the budget office?

Mr. DELAND. I really do not. Obviously, I will be speaking, as will others, for additional monies to be devoted to environmental concerns. I think that we are seeing almost daily a heightened interest, not only in this country but worldwide, in environmental issues simply because they are now known to be rather inextricably intertwined with economic issues.

So I would hope that that message would be one of increased import in the coming months, but I cannot be more precise to you at this moment as to exactly what my role in that process will be.

Senator GRAHAM. Mr. Deland, I look forward to an opportunity on a personal basis to pursue some of the areas in which the Council could play a role in the protection of the Everglades, but I would like to use my remaining time to shift to another subject, and that is increasing use of international treaties and conventions as part of our global strategy to protect the environment.

Looking downstream for the next five years, what areas would you recommend that the State Department or other appropriate representatives of the United States to the world should have on their agendas relative to environmental conventions or treaties?

Mr. DELAND. I think clearly the issue of global warming; the greenhouse effect; depletion of the stratospheric ozone layer—all are problems of enormous potential significance which need to be examined, not only here at home but by the world community. So I would endorse any conventions that would start to look at them—I think first from a scientific standpoint. We all at this point have a visceral sense as to the import of these issues, but I do think they need to be followed with solid science, more science than we have assimilated thus far.

I have spoken recently with Alan Bromley, the Chairman-designate—or Science Advisor; that may not be the right title—of the Office of Science and Policy along these lines, as to how his operation and CEQ and others can pool scientific information that is now available and seek out other areas in which there may be data gaps.

Senator GRAHAM. Thank you, Mr. Deland.

Mr. DELAND. Thank you, Senator.

Senator BURDICK. At this time I ask unanimous consent that the statements of Senators Jeffords and Humphrey be made a part of the record.

[The statement referred to follows:]

OPENING STATEMENT OF HON. JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Mr. Chairman, I wish to express my strong support for Mike Deland to head the Council on Environmental Quality. I applaud President Bush for nominating such a highly qualified individual, for in doing so, he indicates an intention to revitalize a Council that has been in a tailspin for the past several years.

Mike Deland's qualities are well known to many, especially to those of us who have benefited by his competent work as Administrator of EPA's Regional Office in New England during the past six years. I won't go into a litany of his achievements as Regional Administrator, but suffice it to say that he is wise enough to consider all sides of a policy debate, smart enough to choose the better options and tough enough to implement the plan.

Mike will have his work cut out for him at CEQ. The Council was purged of the staff it had accumulated through its first dozen years of existence and has survived since, but barely. That which was envisioned as cabinet level organization with a broad mandate over environmental policy has been drastically reduced in staff, appropriations and influence. I am encouraged that President Bush is serious about restoring the CEQ to its previous heights and, in doing so, reestablish an effective tool to implement his ambitious environmental agenda.

There remain unanswered questions as to structure, staff, budget and mission of the CEQ, and I look forward to working with Mike Deland after his confirmation to mold the Council and to see it become a first class organization as we enter this most crucial period of environmental policy.

As a final comment, I hope that as Mike looks forward to taking control of CEQ, that he look over his shoulder and use this influence to ensure that the next Region I Administrator is of a similar quality as the last.

Thank you, Mr. Chairman.

OPENING STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, based on six years of working with Mike Deland, I can report to the Committee that President Bush has made an outstanding selection for the next chairman of the Council on Environmental Quality.

EPA's Region One covers the six New England States. In our part of the country, concerns about environmental quality are especially acute. As Regional Administrator, Mr. Deland discharged his duties with remarkable effectivess. He cares deeply about environmental protection and his record reflects it.

Indeed, the quality of this nominee again underscores the President's commitment to protection of the environment. Before becoming Regional Administrator, Mr. Deland was a counsel and consultant to Environmental Research and Technology, Inc.

Before that, he held several positions at EPA Region One, including chief of the enforcement branch. He is a graduate of Harvard University and Boston College Law School.

Mike will be taking on a big task as he rebuilds the Council on Environmental Quality. However, he brings to the job outstanding credentials and the respect of those with whom he has worked. I commend his nomination to the committee.

Senator BURDICK. We thank you, Mr. Deland, for appearing before the committee today.

Senator Chafee and I assured the President that we would attempt to report Mr. Deland's nomination as soon as possible. It is our intention to act on the nomination in this committee this coming Thursday morning, with consideration by the full Senate shortly thereafter.

With that, the committee is adjourned.

[Whereupon, at 3:33 p.m., the committee was adjourned, to reconvene at 9:30 a.m. on Thursday, July 27, 1989.]

[Mr. Deland's written statement and responses to a committee questionnaire follow:]

STATEMENT

by

MICHAEL R. DELAND

CHAIRMAN-DESIGNATE

COUNCIL ON ENVIRONMENTAL QUALITY

EXECUTIVE OFFICE OF THE PRESIDENT

before the

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

July 25, 1989

Good Afternoon Mr. Chairman and Distinguished Members of this Committee.

It is an honor to appear before you this afternoon as President Bush's nominee to chair the Council on Environmental Quality in the Executive Office of the President. In my current position as Regional Administrator in the Environmental Protection Agency, I have had the opportunity to work with some of you over the last six years. I look forward - should you see fit to confirm my nomination - to working cooperatively with more of you, both individually and as a Committee, in the future.

In the meetings I have had with President Bush since his inauguration, his deep-seated visceral concern for our environment was clearly apparent. Just as Theodore Roosevelt is remembered as our first conservationist President, President Bush wants to be remembered as our nation's first environmentalist President. I am honored, indeed, that he is seeking my counsel to help him earn that appellation.

Virtually all my professional career, with the exception of my service in the U.S. Navy, has been devoted to the environment. I feel well-equipped to confront the challenge of bringing to fruition the President's commitment to revitalize the Council on Environmental Quality and to serve as his environmental advisor within the White House. Both in my days as a staff attorney for

the then newly created EPA and in my current role as Regional Administrator, I have enforced the nation's environmental laws as fairly as I have firmly. Whether suing to establish a court-ordered schedule for the long overdue cleanup of Boston Harbor, holding firm to protect a working wetland, Sweedens Swamp, in Massachusetts or negotiating the largest multi-party cleanup under Superfund, tough stands, predicated on common sense, have been taken.

I have also sought to reach beyond EPA's traditional regulatory role to develop new initiatives to protect our environment. Aquifer management plans to protect groundwater supplies, advanced identification of particularly precious wetlands, building upon the national estuarine program to protect our coastal waters, and new initiatives to prevent pollution at the source are but some of the Region I's programs which have become the national norm.

When I returned to EPA in 1983 with Bill Ruckelhaus to help him revitalize a then demoralized agency, I found morale, indeed, at rock bottom. Yet I also found an agency peopled with dedicated public servants who sought to do their very best to protect the environment under then untenable conditions. One of my proudest accomplishments is helping those public servants to once again stand tall, and by so doing, regain the trust and respect of both the business and environmental communities. This experience

would be invaluable in seeking to restore respect, credibility and spark to a once venerable and vital CEQ.

Perhaps an even more pertinent experience than my six years as Regional Administrator was the previous six years as counsel to what was then the largest environmental consulting firm in the country, Environmental Research and Technology, Inc. (ERT). There I represented a wide-range of business and trade association interests on a variety of large projects including a cross-country oil pipeline. I saw firsthand the frustration in dealing with the enforcement and permitting arms of the Environmental Protection Agency and other government entities and learned the arts of conciliation and compromise. An earlier experience which I still treasure, and hence cannot dismiss, was my first federal job as a GS-3 earning $1.81 an hour working on a timber stand management crew in California for the U.S. Forest Service and later fighting fires in western forests. It was those days and nights in the West that expanded and solidified my life-long love for the land, and it was there, on the front lines, that I learned firsthand the basic principles of environmental protection and management.

The need for full and accurate information. Operating in the open. Working as a team towards the best possible environmental result. Listening. And following common sense. Those are the principles that underlie the nation's premier environmental

statute, the National Environmental Policy Act. And those are the principles to which CEQ must adhere and must help the rest of the federal family follow. CEQ must do so not by fiat, but by persuasion, education and example.

The nation is celebrating the 20th anniversary of mankind's breaking the bonds of gravity and peering back at our planet, both fragile and resilient, from a lunar vantage point. We are also planning the celebration of the 20th anniversary of the National Environmental Policy Act, that statutory vantage point that allows us to step back and take a look at the larger picture. Twenty years ago, the notion of taking the small step to consider environmental results of Government's actions was a giant leap forward for environmental protection. The result has been a world of difference both in terms of environmental damage avoided and better projects built. CEQ in the Bush Administration will continue this important mission both here at home and increasingly abroad.

The President is personally interested in CEQ as an institution. My charge is to take the best of the old CEQ while at the same time reshaping it to better meet the needs of the White House and to better meet the demands of emerging environmental priorities. In rebuilding the Council we must focus on how it can best meet its important statutory mandate. Among CEQ's roles are: to advise the President and to develop and recommend national

environmental policies; to serve as an Executive Branch coordinator and mediator; and to identify and monitor environmental trends and ensure the scientific integrity of their study and analysis.

CEQ is not EPA. CEQ is part of the White House. CEQ's strength is not in numbers -- never has been, never will be. Its influence comes from the President and it comes from the broad perspective it has of all federal departments and agencies. The President has assured me I will continue to enjoy as much access to him as is necessary and that I will be given the staff and resources needed to fulfill CEQ's important mission.

These are exciting times for those of us who have dedicated our lives to the environment. Never before has the issue captured the imaginations of so many. Eight full pages of environmental commitments and understandings by the largest industrialized nations of the world are found in the communique from the Paris Summit, while opportunities for cooperation with eastern bloc and developing countries in the environmental arena seem to be emerging almost daily. I look forward to helping the President seize the day. The opportunity to seize the initiative and prompt America to do her part, both at home and abroad in piloting Spaceship Earth towards an environmentally and economically sustainable future is ours. This is a chance we

must tenaciously grasp. At stake here at home and around the globe is not just quality of life, but ultimately life itself.

Thank you. Mr. Chairman I would now be happy to respond to any questions that you and the Committee members may have.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 460 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and twenty-five (25) copies of the requested information should be made available to Honorable Quentin N. Burdick, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Michael Reeves Deland

Business Address: U.S. Environmental Protection Agency

John F. Kennedy Federal Building, Boston, MA 02203-2211

Business Phone: (617) 565-3400

Home Address: 100 Hundreds Road

Wellesley Hills, MA 02181

Home Phone: (617) 239-0083

GPO: 1987 68-402 (m)

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: DELAND (Last) MICHAEL (First) REEVES (Middle)

Position to which nominated: Council on Environmental Quality Date of Nomination: _____

Date of birth: December 13, 1941 (Day) (Month) (Year) Place of birth: Boston, MA

Marital status: Married Full name of spouse: Elsa Slocum Deland

Name and ages of children:

Michael Stanton Deland — Age 12

Melissa Reeves Deland — Age 10

Holly Louise Deland — Age 10

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Harvard College	1959-1963	A.B.	1963
Boston College Law School	1965-1969	J.D.	1969

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

(1) U.S. Navy LT. (jg) USNR; First Lieutenant, Gunnery Officer and Assistant Navigator on Destroyer, Yokosuka, Japan, 1963-1965 (May - Sept 1964 TAD orders to sail in America's Cup Trials.)

(2) Campaign Manager for John McGlennon (R), U.S. Congressional Candidate, 3rd District, Massachusetts. Feb. - Nov. 1970.

Employment record—Continued

(3) Staff Assistant and legal counsel to President of the University of Massachusetts, Robert C. Wood, Boston, MA, Feb. - Oct. 1971.

(4) U.S. EPA Region I, Boston, MA, Nov. 1971 - July 1976

Attorney Legal Review Section - Nov. 1971 - Dec. 1972

Chief, Legal Review Section - Jan. 1972 - Nov. 1973

Chief, Enforcement Branch - Nov. 1973 - July 1976

(5) Environmental Counsel/Consultant, Environmental Research and Technology, Inc. (ERT), Concord, MA, Aug. 1976 - June 1983

(6) Regional Administrator, Region I U.S. Environmental Protection Agency - June 1983 - Present.

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

National Wildlife Federation Special Achievement Award (1989); Conservation Award, Natural Resources Council of Maine (1989); N.E. Sierra Club Outstanding Achievement Award (1989); Save the Bay Award, (Narragansett Bay, Rhode Island) (1989); Massachusetts Audubon Society Award; Environmentali: of the Year Award from the Massachusetts Association of Conservation Commissions (1987); Environmental Leadership Award from the New England Environmental Network (1986); Elected Chief Marshal for Harvard University's 1988 Commencement, Elected Phi Beta Kappa, Harvard 1988.

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Boston Federal Executive Board	Chairman	1986-1988
Business Associates Club	President	1981-1982
Noble & Greenough School	Trustee	1976-1982
Center for Environmental Intern Programs	Trustee	
Environmental Lobby of Mass	Past Director	
Associated Harvard Alumni	Director	1977-1979
Association of Harvard Class Secretaries	President	1975-1977
Trinity Church, Boston	Vestry	1976-1978
Third Nail, Inc. (Boston Drug Rehabilitation Center)	Director	1971-1973
Massachusetts Bar; American Bar Association, the Boston Bar Association and their respective environmental committees	Member	1970-Present

Qualifications: **State fully your qualifications to serve in the position to which you have been named.**

Virtually all of my professional career, some 20 years, has been dedicated to the environmental field in a variety of government, private sector, and non-profit capacities. My experience includes in the early, formative years of the Environmental Protection Agency, writing some of the nation's first environmental permits, and, later ensuring that they were firmly but fairly enforced. More recently, I have served for the past six years as the administrator of EPA's programs in the six New New England States.

Interspersed between these periods of government service, I spent six years observing firsthand the environmental concerns of business and industry through my work as environmental counsel at what was then the largest environmental consulting company in the country. Our clients included Fortune 500 companies and organizations such as the Business Roundtable.

Finally, I have gained additional insights on environmental issues through service as a trustee or director of non-profit institutions such as the Center for Environmental Intern programs which is a national leader in sensitizing our youth to environmental concerns.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Will resign as EPA Regional Administrator if confirmed by U.S. Senate for Council on Environmental Quality.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

No

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes - 1976: "No change is required. Your returns are accepted as filed." (Letter from IRS 1/31/78 - attached)

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

No conflict of interest or appearance of a conflict of interest has been identified.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I am aware of the statutes, regulations and the Executive Order applicable to conflict of interest situations, and fully intend to comply with them and to avoid any appearance of a conflict of interest. In case any situation arises in the future which raises a question about a conflict, I will consult with the agency ethics officer.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Member, Massachusetts Republican Party

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

Co-Author, "The New PSD Regulations," Natural Resources Lawyer, American Bar Association, Spring 1981. Author monthly "Regulatory Focus" column in Environmental Science and Technology, published by The American Chemical Society, December 1978 - June 1983. Numerous other articles, Op-ed pieces in legal, technical journals and magazines and in newspapers. Numerous speeches on environmental issues in capacity as Regional Administrator.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No

AFFIDAVIT

Michael R. Deland) ss. being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Michael R. Deland

Subscribed and sworn before me this 6th day of June, 1989.

Evelyn M. Sullivan
Notary Public

My Commission expires July 31, 1989